

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORLANDO GARCIA,
Plaintiff,
v.
SWEET MOMENT SM,
Defendant.

Case No. 4:21-cv-09657-YGR


ORDER TO SHOW CAUSE

A federal court may decline to exercise supplemental jurisdiction over a state law claim “in exceptional circumstances.” 28 U.S.C. § 1367(c)(4). Supplemental jurisdiction “is a doctrine of discretion, not of plaintiff’s right.” *United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 726 (1966). When a “high-frequency” litigant such as plaintiff asserts a California Unruh Act claim in federal court with an ADA claim, this typically constitutes an exceptional circumstance that justifies dismissal of the Unruh Act claim. *See Arroyo v. Rosas*, 19 F.4th 1202, 1211-14 (9th Cir. 2021); *Garcia v. Maciel*, No. 21-cv-03743-JC, 2022 WL 395316 (N.D. Cal. Feb. 9, 2022). In light of the foregoing, plaintiff is hereby **ORDERED TO SHOW CAUSE** why this Court should not decline to exercise supplemental jurisdiction over the Unruh Act claim given the infancy of this case.

Plaintiff shall file a written response to this order to show cause no later than May 26, 2022. Failure to respond in writing will result in the Unruh Act claim being dismissed with prejudice.

IT IS SO ORDERED.

Dated: May 12, 2022


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE